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CONCORD, N.H.

Walter G. White, Chairman
Water Resources Board
State House Annex
Concord, New Hampshire

Dear Mr. White:

This is in response to your inquiry of August 28 relative to RSA 482:41b (Supp). This section provides that the Governor and Council upon petition and recommendation of the Water Resources Board may permit the owner of shore line property to place fill in the bed of a great pond.

You ask whether the Governor and Council may require that a person submitting a petition under this chapter pay a filing fee.

We are of the opinion that the Governor and Council do not have authority to require payment of a filing fee, since the statute requires none. If such a fee is to be required it must be done by the legislature.

Very truly yours,

ETB/m

Elmer T. Bourque
Assistant Attorney General